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EXAMINER	
MILLER, G	
ART UNIT	PAPER NUMBER
216	6

DATE MAILED: 04/13/84

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on Feb. 6, 1984 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892. 2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449 4. Notice of Informal Patent Application, Form PTO-152
5. Information on How to Effect Drawing Changes, PTO-1474 6.

Part II SUMMARY OF ACTION

1. Claims 1, 3, 5, 6, 8, 11-14, 16, 18, 20, 21 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1, 3, 5, 6, 8, 11-14, 16, 18, 20, 21 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.

8. Allowable subject matter having been indicated, formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. These drawings are acceptable; not acceptable (see explanation).

10. The proposed drawing correction and/or the proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner, disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved, disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.

12. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received

been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 3 (reinstated), 5, 6, 8, 11—14, 16, 18 (reinstated), 20 and 21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Yamada et al or Tsuzuki et al.

3. Applicant's arguments filed February 6, 1984 have been fully considered but they are not deemed to be persuasive. The request to reinstate claims 3, 9, 18 and 23 is granted with respect to claims 3 and 18 and denied with respect to claims 9 and 23. Claims 3 and 18 broadly claim an inkjet printer but claims 9 and 23 claim specific inkjet structure that may or may not be met by the prior art cited in the last action. The

purpose of restriction was to narrow the field of search. The fact that the best prior art was found in inkjets does not mean that all claims involving inkjets ought to be reinstated.

The applicants' argument that Tsuzuki et al do not "vary the dot sizes for the purpose of obtaining characters with smoother edges" is rebutted in column 1, lines 50-53 of Tsuzuki where it is stated that an object of the invention is to contribute "to reproduction of finer letters and patterns". Tsuzuki uses a combination of varying dot sizes and velocity control to obtain finer letters.

The applicants' argument that Yamada et al "have no ability in their continuous droplet type ink jet printer for obtaining characters with smooth edges because they are unable to intermix the large and small dots" is rebutted by Figure 13 of Yamada et al. Notice the intermixed relationship of large and small dots at the top of the figure "1".

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS

FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136 (a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

G. Miller/dmm

703-557-5070

4/10/84

George H. Miller Jr.

GEORGE H. MILLER, JR.
PRIMARY EXAMINER
ART UNIT 216

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